

Docket No. 10806-128

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label #: EL609089593

Date of Deposit: June 30, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail

Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop CPA; Commissioner for Patents;  
P.O. Box 1450; Alexandria, VA 22313-1450.

*Margu Greene*

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Ib Mendel-Hartvig et al : Paper No.:  
Serial No.: 09/582,741 : Group Art Unit: 1641  
Filing Date: October 6, 2000 : Examiner: G. Counts  
For: **Method Using a New Calibrator and a Device and Test Kit Including the Calibrator**

**PRELIMINARY AMENDMENT**

Mail Stop CPA  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Prior to first action by the Examiner in the present Continued Prosecution Application, please amend the present application as follows:

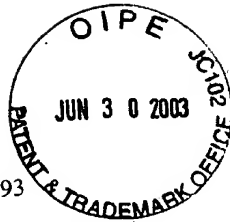
**In the Claims:**

Please amend claims 1, 11, 15, 20 and 23 to read as follows:

1. (Third Amendment) A lateral flow method for the determination of an analyte in a sample involving utilizing biospecific affinity reactions, and comprising the following steps:

i. forming a complex in a lateral flow matrix, the complex comprising:

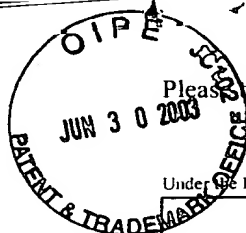
Reactant I---Analyte'---Reactant\*, where



PATENT

# 161D  
7/7/03  
RECEIVED

JUL 03 2003  
TECH CENTER 1600/2900



Please type a plus sign (+) inside this box [ + ]

07-0103

PTO/SB/29 (10-00)

Approved for use through 10/31/02. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing. CHECK BOX, if applicable  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d)) ☐ DUPLICATE

Addressed to:

Mail Stop CPA  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Attorney Docket No. 10806-128

First Named Inventor Ib Mendel-Hartvig et al

Examiner Name G. Counts

Group Art Unit 1641

Express Mail No. EL609089593US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/582,741 filed October 6, 2000, which is a 37 CFR 1.53(d) PCT/SE98/02464 filed December 30, 1998, entitled Method Using a Calibrator and a Device and Test Kit Including the Calibrator.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a non-provisional application that is either (1) complete as defined by 37 CFR 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior non-provisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice Changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gazz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

### CERTIFICATE OF MAILING

"Express Mail" mailing label #: EL609089593

Date of Deposit: June 30, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop CPA; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

*Margie Greene*

07/02/2003 HBERHE 00000125 09582741

01 FC:1006  
02 FC:1202

750.00 OP  
126.00 OP

RECEIVED  
JUL 03 2003  
TECH CENTER 1600/2900

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	27 -20 =	7	x \$18 =	\$ 126.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 -3 =	0	x \$84 =	--
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ _____ =	--
				BASIC FEE (37 CFR 1.16(a))	\$750.00
				Total of above Calculations =	\$ 876.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.19, 1.27, 1.28)				--
				TOTAL =	\$ 876.00

6. Small entity status:

a. ☐ A small entity statement is enclosed.

b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.

c. ☐ is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04-1133:

a. ☒ Fees required under 37 CFR 1.16

b. ☒ Fees required under 37 CFR 1.17.

8. ☒ A check in the amount of \$876.00 is enclosed.

9. ☒ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant request suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New attorney docket number, if desired \_\_\_\_\_ (prior docket number will carry over if not provided).

12. a. ☐ Receipt for Facsimile-Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (should be specifically itemized, see MPEP 503)

13. ☐ Other: \_\_\_\_\_

**NOTE** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code Label 24256 or ☐ Correspondence Address Below

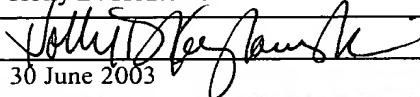
Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Country \_\_\_\_\_ Telephone \_\_\_\_\_ Fax \_\_\_\_\_

**15. SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name	Holly D. Kozlowski
Signature	
Date	30 June 2003